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COMMITTEE ON THE PEACEFUL
USES OF OUTER SPACE

# REPORT OF THE LEGAL SUBCOMMITTEE ON THE WORK OF ITS THIRTY-SIXTH SESSION (1-8 APRIL 1997)

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# INTRODUCTION

## Opening of the session

1. The Legal Subcommittee held its thirty-sixth session at the United Nations Office at Vienna from 1 to 8 April 1997 under the chairmanship of Mr. Václav Mikulka (Czech Republic). The Subcommittee agreed that Mr. Vladimir Kopal (Czech Republic) would serve as temporary chairman during Mr. Mikulka's absence from its meetings from 2 to 4 April 1997.

2. At its opening, 598th meeting, the Chairman made a statement briefly describing the work to be undertaken by the Subcommittee at its current session. The Chairman's statement is contained in verbatim (unedited) transcript COPUOS/Legal/T.598.

## Adoption of the agenda

3. At the opening meeting, the Subcommittee adopted the following agenda:

1. Opening of the session.

2. Statement by the Chairman.

3. Question of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

4. Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.

5. Other matters.

## Attendance

4. Representatives of the following States members of the Subcommittee attended the session: Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Czech Republic, Ecuador, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Lebanon, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Poland, Romania, Russian Federation, South Africa, Spain, Sudan, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela.

5. Representatives of the following specialized agencies and international organizations attended the session: International Telecommunication Union (ITU), International Atomic Energy Agency, European Space Agency, International Astronautical Federation (IAF) and International Law Association.

6. The Chairman informed the Subcommittee at its 598th and 602nd meetings that requests to participate in meetings of the Subcommittee had been received from Azerbaijan, Bolivia, Cuba, Republic of Korea, Slovakia, United Arab Emirates and the League of Arab States. The Subcommittee agreed that, since the granting of observer status was the prerogative of the Committee on the Peaceful Uses of Outer Space, the Subcommittee could take no formal decision on the matter, but that the representatives of Azerbaijan, Bolivia,

Cuba, Republic of Korea, Slovakia, United Arab Emirates and the League of Arab States might attend the formal meetings of the Subcommittee and could direct requests for the floor to the Chairman, should they wish to make statements.

7. A list of representatives of States members of the Subcommittee, States not members of the Subcommittee, specialized agencies and other organizations attending the session, and of the secretariat of the Subcommittee, is contained in document A/AC.105/C.2/INF.29.

**Organization of work**

8. In accordance with decisions taken at its opening meeting, the Subcommittee organized its work as follows:

(a) The Subcommittee recalled its recommendation, endorsed by the Committee on the Peaceful Uses of Outer Space,[1] that the yearly rotation of the order of consideration of substantive agenda items on a permanent basis (as recommended by the Committee)[2] should be suspended at the present session of the Subcommittee and that it should consider the two substantive items on its agenda (see paragraph 3 above) in the same order as in 1996: items 4 and 3;

(b) In accordance with the recommendation endorsed by the Committee on the Peaceful Uses of Outer Space,[3] the Subcommittee agreed to suspend, for the present session, its Working Group on agenda item 3;

(c) It re-established its Working Group on agenda item 4, open to all members of the Subcommittee, and agreed that Mr. Gabriel Maffei, the representative of Argentina, should serve as its Chairman;

(d) In accordance with the recommendation of the Committee on the Peaceful Uses of Outer Space,[4] the Subcommittee continued its informal consultations, led by its Chairman, with a view to coming up with a list of annotated items agreed upon by consensus that could be considered by the Committee at its fortieth session for possible inclusion in the agenda of the Subcommittee;

(e) It began its work each day with a plenary meeting to hear delegations wishing to address the Subcommittee, and then adjourned and reconvened, when appropriate, as a working group, or began its work as a working group.

9. The following delegations participated in the general exchange of views: Chile, China, Ecuador, India, Iran (Islamic Republic of), Italy, Mexico, Morocco and Russian Federation, as well as IAF. The representative of Bolivia made a statement on behalf of the Group of Latin American and Caribbean States. The views expressed by those delegations are contained in verbatim (unedited) transcripts COPUOS/Legal/T.598-601.

10. The Working Group on agenda item 4 held 8 meetings.

11. The Chairman of the Working Group on agenda item 4 reported to the Subcommittee at its 604th meeting, on 8 April 1997 (see annex I to the present report). The Subcommittee took note with appreciation of the report and of the work done in the working group.

12. At the opening meeting, the Chairman made a statement concerning the utilization of conference services by the Subcommittee. He drew attention to the importance that the General Assembly and the Committee on Conferences attached to the effective utilization of conference services by all United Nations deliberative bodies. In view of that, the Chairman proposed, and the Subcommittee agreed, that the following

measures, similar to those adopted in the past, should also be adopted at the current session of the Subcommittee:

(a) The Subcommittee and its working groups should begin their meetings punctually at the scheduled time, even if there was no quorum (16 members);

(b) The Office of Conference Services should be notified as early as possible whenever it was anticipated that any of the services usually provided were not going to be required. If possible, prior notice of 24 hours should be given;

(c) Informal consultations (i.e. outside the auspices of the Subcommittee and its working group) should not interrupt the work of the Subcommittee or its working group;

(d) The general rule for annexing documents to the report of the Subcommittee should be that normally any document would be annexed, if at all, only once, to the report of the session in which it was first submitted, but not to later reports;

(e) The Subcommittee should not have plenary meetings in the afternoons when the agenda item on definition of outer space/geostationary orbit was considered. Instead, the working group on that item should meet;

(f) Delegations wishing to speak at the next plenary meeting of the Subcommittee should inform the Chairman of their intention before the adjournment of the previous plenary meeting. If no such information was received by the Chairman, the next plenary meeting of the Subcommittee should be cancelled and a working group should meet instead;

(g) The Subcommittee and/or working group meetings could be cancelled on an ad hoc basis if informal consultations were required, instead of planned cancellations of blocks of meetings, which had been employed in the past;

(h) There should be the possibility of holding informal meetings and consultations outside the work schedule of the Subcommittee, and all informal meetings and consultations of the Subcommittee and its working group held during the work schedule of the Subcommittee should be provided with interpretation services;

(i) The Chairman should set a deadline for closing lists of speakers for the general exchange of views and for each of the substantive agenda items;

(j) The Subcommittee and its working group should begin their morning meetings at 10 a.m. with the understanding that that did not relate to and did not affect the question of the length of the session;

(k) When adopting and following the schedule of work, the Subcommittee should exercise flexibility in the allocation of time for consideration of items on its agenda. If the time previously allocated for the consideration of an item was not fully used or was unlikely to be used, the Subcommittee should seek, on the basis of consensus, to use the time for the consideration of other items on the agenda or, as the case might be, consider the possibility of concluding the session ahead of the scheduled date. The adoption of that measure was without prejudice to the position of various delegations concerning the duration of the sessions of the Subcommittee.

13. The Subcommittee agreed that a similar flexible organization of work as agreed upon at the current session would serve as the basis for organizing the work of its thirty-seventh session.

14. At its 598th meeting, on 1 April 1997, the Chairman proposed, and the Subcommittee agreed, to conclude the session ahead of time in accordance with the measure contained in paragraph 12 (k) above. Specifically, the Subcommittee decided to conclude its work by 9 April 1997. The Subcommittee agreed that that reduction was without prejudice to the length of its future sessions.

15. The Subcommittee agreed that, in view of its recommendation to suspend, for another year, the work of its Working Group on agenda item 3, as contained in paragraph 26 below, the following additional measures concerning organization of work, adopted at the present session, could again be adopted for the next session of the Subcommittee:

(a) At the 1998 session, less time should be allocated for consideration of agenda item 3 than for item 4 and the new agenda item on "Review of the status of the five international legal instruments governing outer space" agreed upon at the current session of the Subcommittee (agenda item 5);

(b) The recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee, on a permanent basis, should rotate each year the order of consideration of substantive agenda items[2] should be suspended for the 1998 session and the substantive agenda items should be considered at that session in the following order: items 4, 5 and 3.

The adoption of the above measures is without prejudice to the positions of various delegations concerning the duration of the sessions of the Subcommittee.

16. The Subcommittee noted with satisfaction that the Committee on the Peaceful Uses of Outer Space, at its thirty-ninth session, had successfully concluded the elaboration of the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries, and that the General Assembly, at its fifty-first session, had adopted the Declaration (resolution 51/122, annex).

17. The Legal Subcommittee noted with satisfaction that a symposium entitled "Celebrating the 30th Anniversary of the Outer Space Treaty", sponsored by the International Institute for Space Law (IISL) in cooperation with the European Centre for Space Law (ECSL), both based in Paris, was held at the close of the afternoon meeting of the Legal Subcommittee on 1 April 1997, and agreed that IISL and ECSL should again be invited, at its thirty-seventh session, to hold a symposium on space law. The Subcommittee expressed its appreciation to ECSL for presenting the United Nations and the members of the Subcommittee with the book entitled *Outlook on Space Law over the next Thirty Years*,[5] prepared by ECSL in commemoration of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 1967 (General Assembly resolution 2222 (XXI), annex).

18. In the course of the general exchange of views, some delegations expressed the view that it was advisable for the Legal Subcommittee to begin consideration of legal issues relating to space debris. Other delegations expressed the view that the Scientific and Technical Subcommittee needed to be given sufficient time and opportunity to address the issue of space debris before it is considered by the Legal Subcommittee.

19. The Subcommittee held a total of 7 meetings. The views expressed at those meetings are contained in verbatim (unedited) transcripts COPUOS/Legal/T.598-604.

20. At its 604th meeting, on 8 April 1997, the Subcommittee adopted the current report and concluded the work of its thirty-sixth session.

## I. QUESTION OF REVIEW AND POSSIBLE REVISION OF THE PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE (AGENDA ITEM 3)

21. The Chairman made an introductory statement on agenda item 3 at the 603rd meeting, on 7 April 1997.

22. The Chairman drew attention to the fact that the General Assembly, in its resolution 51/123, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should continue its consideration of the question of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

23. The Legal Subcommittee noted that the subject of the use of nuclear power sources in outer space had been considered by the Scientific and Technical Subcommittee at its thirty-fourth session, in 1997, as reflected in the report of that Subcommittee (A/AC.105/672, paras. 69-87 and annex III). In particular, the Legal Subcommittee noted that the Scientific and Technical Subcommittee had agreed that, at the present time, revision of the Principles was not necessary (A/AC.105/672, para. 80).

24. As mentioned in paragraph 8 (b) above, the Legal Subcommittee, at its 598th meeting, decided not to re-establish its Working Group on agenda item 3.

25. The Legal Subcommittee agreed that, at the present time, revision of the Principles was not warranted, and that therefore it should not open discussion of that item during its current session.

26. The Legal Subcommittee also agreed that, at its thirty-seventh session, consideration by the Working Group on agenda item 3 of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should again be suspended for one year, pending the results of the work in the Scientific and Technical Subcommittee, without prejudice to the possibility of reconvening its Working Group on that item if, in the opinion of the Legal Subcommittee, sufficient progress was made in the Scientific and Technical Subcommittee at its thirty-fifth session, in 1998, to warrant the reconvening of the Working Group.

27. The Legal Subcommittee agreed that that item should be retained on its agenda to give delegations an opportunity to discuss it in plenary meetings.

## II. MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION (AGENDA ITEM 4)

28. The Chairman made an introductory statement on agenda item 4 at the 598th meeting, on 1 April 1997. He referred to the work of the Subcommittee at its thirty-fifth session, in 1996.

29. The Chairman drew attention to the fact that the General Assembly, in its resolution 51/123, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee, taking into account the concerns of all countries, particularly those of developing countries, should continue, through its working group, its consideration of matters relating to the definition and delimitation of outer

space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the ITU.

30. The Legal Subcommittee noted that the subject of the geostationary orbit had been under consideration in the Scientific and Technical Subcommittee at its thirty-fourth session, in 1997, as reflected in the report of that Subcommittee (A/AC.105/672, paras. 120-127).

31. The Legal Subcommittee had before it a working paper prepared by the Secretariat in cooperation with ITU entitled "An analysis of the compatibility of the approach contained in the working paper entitled 'Some considerations concerning the utilization of the geostationary satellite orbit' with the existing regulatory procedures of the International Telecommunication Union relating to the use of the geostationary orbit" (A/AC.105/C.2/L.205), submitted at its current session. Pursuant to a request made by the Working Group on agenda item 4 at its last session in 1996, a compendium of relevant sections and/or documents referred to in the working paper presented by Colombia, "Some considerations concerning the utilization of the geostationary satellite orbit" (A/AC.105/C.2/L.200 and Corr.1), was circulated by the Secretariat (A/AC.105/C.2/1997/CRP.3/Rev.1). The Subcommittee also had before it a working paper entitled "Draft resolution—request to the International Telecommunication Union: Ensuring equitable access to the geostationary satellite orbit" (A/AC.105/C.2/L.207 and Rev.1 and 2), submitted by the delegation of Germany at the current session. Document A/AC.105/C.2/L.207/Rev.2 is set out in annex II, section A, of the present report.

32. At its thirty-fourth session, the Legal Subcommittee finalized the text of a questionnaire on possible legal issues with regard to aerospace objects (A/AC.105/607 and Corr.1, annex I, appendix) and agreed that the purpose of the questionnaire was to seek the preliminary views of States members of the Committee on the Peaceful Uses of Outer Space on various issues relating to aerospace objects (A/AC.105/607 and Corr.1, para. 38). At its current session, the Subcommittee had before it a document entitled "Questionnaire on possible legal issues with regard to aerospace objects: replies from Member States" (A/AC.105/635 and Add.1-4). The Subcommittee also had before it a note by the Secretariat entitled "Comprehensive analysis of the replies to the questionnaire on possible legal issues with regard to aerospace objects" (A/AC.105/C.2/L.204).

33. Some delegations expressed the view that they could associate themselves with the conclusion contained in the above-mentioned note by the Secretariat (A/AC.105/C.2/L.204, para. 80), according to which there was a possibility to continue a dialogue with the participation of experts in air and space law.

34. The views expressed by delegations during the debate on agenda item 4 are contained in verbatim (unedited) transcripts COPUOS/Legal/T.598-601.

35. As mentioned in paragraph 8 (c) above, the Subcommittee, at its 598th meeting, re-established its Working Group on agenda item 4 under the chairmanship of Mr. Gabriel Maffei, the representative of Argentina.

36. At the 604th meeting, on 8 April 1997, the Chairman of the Working Group reported to the Subcommittee. The Subcommittee took note with appreciation of the report, which is set out in annex I to the present report.

## III. OTHER MATTERS (AGENDA ITEM 5)

37. At the 603rd meeting, on 7 April 1997, the Chairman introduced agenda item 5 on other matters. No discussions were held.

## IV. INFORMAL CONSULTATIONS ON NEW ITEMS FOR THE AGENDA

38. In accordance with the recommendation of the Committee on the Peaceful Uses of Outer Space contained in paragraph 211 (c) of the report on its thirty-ninth session (A/51/20), the Subcommittee continued to conduct its informal consultations with a view to coming up with a list of annotated items agreed upon by consensus that could be considered by the Committee at its fortieth session for possible inclusion in the agenda of the Subcommittee. The Committee had further agreed that each proposed item should have a multi-year work plan that would address, among other things, the objectives of the work to be undertaken, any reports to be provided by the Secretariat and member States and the possible end-product (A/51/20, para. 152).

39. The Subcommittee recalled that at its thirty-fifth session in 1996, the following items had been discussed, for possible inclusion in the agenda of the Subcommittee (A/AC.105/639, para. 54):

(a) Status of the five outer space treaties;

(b) Commercial aspects of space activities (e.g. property rights, insurance and liability);

(c) Review of existing norms of international law applicable to space debris;

(d) Legal aspects of space debris;

(e) Comparative review of the principles of international space law and international environmental law.

40. The Subcommittee further recalled that the following items concerning the agenda of the Legal Subcommittee, contained in paragraph 151 of the report of the Committee on the Peaceful Uses of Outer Space at its thirty-ninth session, in 1996, had also been discussed:

(a) Comparative study of the provisions of the law of the sea and international space law;

(b) Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting (General Assembly resolution 37/92, annex, of 10 December 1982) and the Principles Relating to Remote Sensing of the Earth from Outer Space (General Assembly resolution 41/65, annex, of 3 December 1986), with a view to possibly transforming those texts into treaties in the future.

41. With regard to the proposal contained in paragraph 39 (a) above, the delegation of Mexico submitted a working paper entitled "Open-ended informal consultations on new agenda items: Review of the status of the five international legal instruments governing outer space" (A/AC.105/C.2/L.206). At the 601st meeting of the Subcommittee on 4 April 1997, the delegation of Mexico indicated that it had conducted extensive consultations among member States of the Subcommittee with a view to reaching consensus on its proposed new agenda item for the Legal Subcommittee. On the basis of those consultations, the delegation of Mexico submitted a revision to its working paper (A/AC.105/C.2/L.206/Rev.1), which is set out in annex II, section B, of the present report.

42. Following the conclusion of the open-ended informal consultations on new agenda items for the Legal Subcommittee, at the 602nd meeting, on 4 April 1997, the Chairman reported to the Legal Subcommittee on the results of the informal consultations.

43. At that same meeting, the Subcommittee agreed to recommend that a new agenda item entitled "Review of the status of the five international treaties governing outer space", as contained in document A/AC.105/C.2/L.206/Rev.1 should be included in the agenda of the Legal Subcommittee starting with its session in 1998.

44. The Subcommittee recommended that further informal consultations on specific proposals already made for possible new agenda items for the Legal Subcommittee could continue at its next session, in 1998.

## V. TRIBUTE

45. The Subcommittee expressed its appreciation to Ambassador Raimundo González of Chile for his excellent work over the years as Chairman of the working group on outer space benefits, which resulted in the successful completion of work on the topic in the Legal Subcommittee and the Committee at their sessions in 1996, and in the adoption by the General Assembly, at its fifty-first session, of the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of all States, Taking into Particular Account the Needs of Developing Countries.

### Notes

[1] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 20*, (A/51/20) para. 213.

[2] *Ibid., Forty-fifth Session, Supplement No. 20* (A/45/20), para. 143.

[3] *Ibid., Fifty-first Session, Supplement No. 20* (A/45/20), para. 212.

[4] *Ibid.*, para. 211(c).

[5] G. Lafferranderie and D. Crowther, eds., *Outlook on Space Law over the next Thirty Years* (The Hague, Kluwer Law International, 1997).

*Annex I*

## REPORT OF THE CHAIRMAN OF THE WORKING GROUP ON AGENDA ITEM 4 (MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEO-STATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION)

1. On 1 April 1997, the Legal Subcommittee re-established its Working Group on agenda item 4.

2. The Working Group had before it the report of the Legal Subcommittee on the work of its thirty-fifth session, held in 1996 (A/AC.105/639), which contained, in annex I, the report of the Chairman of the Working Group at that session. The Working Group also had before it the report of the Scientific and Technical Subcommittee on the work of its thirty-fourth session, held in 1997 (A/AC.105/672), which considered, in chapter VII, *inter alia*, the subject of the physical nature and technical attributes of the geostationary orbit.

3. The following documents, submitted at previous sessions and at the current session of the Legal Subcommittee, were referred to in the course of the discussion: "Some considerations concerning the utilization of the geostationary satellite orbit", submitted to the Subcommittee at its thirty-fourth session by the delegation of Colombia (A/AC.105/C.2/L.200 and Corr.1); "Questionnaire on possible legal issues with regard to aerospace objects" (A/AC.105/C.2/1995/CRP.3/Rev.3), reproduced in the appendix of annex I to the report of the Subcommittee on the work of its thirty-fourth session (A/AC.105/607 and Corr.1); "Questionnaire on possible legal issues with regard to aerospace objects: replies from Member States" (A/AC.105/635 and Add.1, 2, 3 and 4); a note by the Secretariat entitled "Comprehensive analysis of the replies to the questionnaire on possible legal issues with regard to aerospace objects", submitted at the current session (A/AC.105/C.2/L.204); a working paper prepared by the Secretariat in cooperation with the secretariat of the ITU entitled "An analysis of the compatibility of the approach contained in the working paper entitled 'Some considerations concerning the utilization of the geostationary satellite orbit' with the existing regulatory procedures of the International Telecommunication Union relating to the use of the geostationary orbit", submitted at the current session (A/AC.105/C.2/L.205); and a compendium of relevant sections and/or documents referred to in the Colombian working paper, "Some considerations concerning the utilization of the geostationary satellite orbit" (A/AC.105/C.2/L.200 and Corr.1), circulated by the Secretariat at the current session (A/AC.105/C.2/1997/CRP.3/Rev.1).

4. On the question of the organization of its work, pursuant to a recommendation by the Chairman, the Working Group agreed that each aspect of the agenda item, namely, the definition and delimitation of outer space, on the one hand, and the geostationary orbit, on the other, should be discussed separately by the Working Group.

5. The views expressed in the discussions of the Working Group are summarized below.

### The definition and delimitation of outer space

6. At the commencement of the debate, the Chairman of the Working Group referred to the documents "Questionnaire on possible legal issues with regard to aerospace objects: replies from Member States" (A/AC.105/635 and Add.1-4) and the note by the Secretariat entitled "Comprehensive analysis of the replies to the questionnaire on possible legal issues with regard to aerospace objects" (A/AC.105/C.2/L.204). The Chairman suggested that, while delegations were free to address any aspect of the definition and delimitation

of outer space, it might be useful if they could comment on the comprehensive analysis provided by the Secretariat, in order to further the work of the Working Group on that subject.

7. Some delegations welcomed the submission of the note by the Secretariat and expressed the view that it would help to attain progress in the work on the subject of the definition and delimitation of outer space.

8. The view was expressed that the Legal Subcommittee should make further efforts to resolve the issue of the definition and delimitation of outer space, and that it should continue, and not abandon, its work. That delegation also expressed the view that outer space was the common heritage of mankind and a limited natural resource, and that there was a need for the rational use of outer space.

9. In reply to a question whether the International Civil Aviation Organization (ICAO) had responded to the questionnaire, pursuant to a request made by some delegations at previous sessions of the Working Group, the Secretariat clarified that although ICAO had been approached informally, it would only respond to an official request made by the Subcommittee on the matter, and that such a request had not so far been made. In this regard, the view was expressed that since there was a need to further discuss the topic in the Legal Subcommittee, input to the questionnaire should be requested only from member States of the Committee.

10. The view was expressed that there was no need to revive the debate on the direct and topographical or indirect and functional approach to the definition and delimitation of outer space by an examination of the questionnaire, and that an attempt to examine legal issues with regard to aerospace objects might have a negative impact on the foundation of the law of outer space.

11. The view was expressed that a thorough examination of the specific characteristics of aerospace objects was necessary, taking into account more sophisticated and evolving technology, and that the Scientific and Technical Subcommittee should be given the mandate to study and define the technical aspects and prerequisites of those objects before the Legal Subcommittee proceeded with its work.

12. With regard to question 1 of the questionnaire, the view was expressed that although the term "aerospace object" was generally understood to include not only those vehicles that served Earth-space missions, but also those vehicles that served Earth-Earth missions via outer space, the definition of "aerospace object" contained in paragraph 17 of the comprehensive analysis did not cover the Earth-Earth type of aerospace objects to be used, for example, for commercial transportation from one point on Earth's surface to another. That delegation therefore suggested that the phrase "for (primarily) (exclusively) space purposes" contained in the last pair of brackets be deleted. In response, it was explained that the definition contained in the analysis prepared by the Secretariat merely reflected wording suggested by various delegations in their responses to the questionnaire, and was meant to serve as a starting point for discussions.

13. The view was expressed that the replies received to the questionnaire and the comprehensive analysis of the Secretariat provided the basis for the elaboration and the negotiation of legal standards on aerospace objects by the Working Group and the Legal Subcommittee.

**The geostationary orbit**

14. The Chairman of the Working Group recalled that at its previous session, the Legal Subcommittee had considered a working paper entitled "Some considerations concerning the utilization of the geostationary satellite orbit" (A/AC.105/C.2/L.200 and Corr.1), submitted by the delegation of Colombia, and set out in annex III, section A, of the report of the Legal Subcommittee on the work of its thirty-fifth session (A/AC.105/639). He noted that at the current session, the delegation of Germany had submitted a working paper containing a draft resolution entitled "Request to the International Telecommunication Union: Ensuring equitable access to the geostationary satellite orbit" (A/AC.105/C.2/L.207). He also noted that the Secretariat,

as requested by the Subcommittee at its previous session in 1996, had submitted a working paper entitled "An analysis of the compatibility of the approach contained in the working paper entitled 'Some considerations concerning the utilization of the geostationary satellite orbit' with the existing regulatory procedures of the International Telecommunication Union relating to the use of the geostationary orbit" (A/AC.105/C.2/L.205). He further noted that an information note containing a compendium of relevant sections and documents referred to in the Colombian working paper, "Some considerations concerning the utilization of the geostationary satellite orbit", had been circulated by the Secretariat at the current session (A/AC.105/C.2/1997/CRP.3/Rev.1).

15. Some delegations welcomed the submission of the working paper prepared by the Secretariat in cooperation with the secretariat of ITU, and expressed the view that it would help to attain progress in the work on the subject of the geostationary orbit.

16. Some delegations expressed the view that the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee had a mandate from the General Assembly to consider questions relating to the use of the geostationary orbit with a view to elaborating legal principles on the issue. Some delegations also expressed the view that the work should complement the activities of ITU. In that connection, the view was expressed that the Committee and its Legal Subcommittee should strengthen their cooperation with ITU.

17. Some delegations expressed the view that because the geostationary orbit was an integral part of outer space, the legal regime established by the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, adequately covered activities in and related to the geostationary orbit. Those delegations also believed that ITU had been successful in dealing with various aspects of the rational and equitable use of the geostationary orbit, and that it was not appropriate for the Legal Subcommittee to engage in activities that might conflict with those of ITU.

18. The view was expressed that in view of the special characteristics of the geostationary orbit, there was a need to establish a *sui generis* legal regime for regulating access to and use of that orbit, which was a limited natural resource, and that such a regime should guarantee actual and future equitable access to the geostationary orbit for all States, taking into particular account the needs of developing countries, including the equatorial countries, because of their special geographical characteristics. That delegation also expressed the view that ITU should restrict itself exclusively to the consideration of the technical aspects of the geostationary orbit, since the competent body to consider policy and legal matters was the Legal Subcommittee. That delegation also believed that since outer space had not so far been delimited, it could not be affirmed that the geostationary orbit was a part of outer space.

19. The view was expressed that the geostationary satellite orbit was like any other point in outer space, and therefore was not subject to national appropriation and should not be subject to a *sui generis* legal regime. In the view of that delegation, any preferential rights to the orbit would be contradictory to the existing legal regime governing outer space.

20. The view was expressed that ITU continued to take specific measures aimed at optimizing its procedures with a view to ensuring just and equitable access to the geostationary orbit and radio frequencies. That delegation believed that the observer for ITU should continue to be invited to future sessions of the Legal Subcommittee. At the same time, that delegation felt that the Subcommittee, in accordance with its mandate and without prejudice to the competence of ITU and its expert support, should continue its work aimed at the elaboration of the political and legal basis for the utilization of the geostationary orbit with a view to ensuring equitable access and fairness for its users.

**Working paper submitted by the delegation of Germany containing a draft resolution entitled "Request to the International Telecommunication Union: Ensuring equitable access to the geostationary satellite orbit" (A/AC.105/C.2/L.207)**

21. At the suggestion of the Chairman, the delegation of Germany proceeded with a brief introduction of each paragraph of the text set forth in working paper A/AC.105/C.2/L.207, in order to explain the rationale for those paragraphs and to highlight the background and reasoning behind the working paper.

22. The delegation of Greece declared that in view of its previous proposals concerning the role of ITU as well as its contribution to the drafting of working paper A/AC.105/C.2/L.207, it wished to be a co-sponsor of the draft resolution.

23. Some delegations expressed the view that the working paper should be viewed in the light of two important considerations, namely, the maintenance of the principle of equitable access to the geostationary satellite orbit and the needs of all States, particularly the developing countries.

24. Some delegations supported the working paper as a positive step forward in the deliberations on the matter, and called for its adoption at the current session of the Subcommittee, to be endorsed by the Committee and submitted to the General Assembly for its adoption, so that the views contained therein could be forwarded to the World Radiocommunication Conference of ITU, to be held from 27 October to 21 November 1997, thus concluding consideration of the matter in the Legal Subcommittee.

25. In response to the request for a clarification, the Secretariat explained that, in principle, it might be possible to arrange for the item on the peaceful uses of outer space to be scheduled for consideration by the General Assembly in order to adopt the proposed draft resolution in time, taking into account the meeting schedule of the forthcoming ITU World Radiocommunication Conference, and every effort would be made to do so, if the Committee were to recommend to the General Assembly the adoption of the draft resolution.

26. Other delegations expressed the view that although they welcomed the proposed draft resolution because its timing was appropriate, since it would allow for the views of the Committee on the topic of the geostationary satellite orbit to be forwarded to the World Radiocommunication Conference, they could not agree that the adoption of the draft resolution meant that consideration in the Legal Subcommittee of the matter of the geostationary satellite orbit could be concluded.

27. Some delegations expressed the view that since the working paper had just been submitted, it was not feasible to attempt to reach consensus on it at the current session of the Subcommittee. In the view of those delegations, agenda item 4 should remain on the agenda of the Legal Subcommittee, and continue to be considered by the Working Group.

**Introductory paragraph**

28. The Working Group was informed that the introductory paragraph set out the rationale for the draft resolution that would allow the Legal Subcommittee to provide substantial input into the discussions at the World Radiocommunication Conference.

**Title**

29. The view was expressed that the draft resolution in the form of a request should be addressed not only to member States of ITU, but also to ITU itself, so as to make the title of the draft resolution consistent with the operative paragraph.

**Preambular paragraphs**

30. The Working Group was informed that the first preambular paragraph was modelled on similar paragraphs contained in other General Assembly resolutions.

31. The Working Group was informed that the second preambular paragraph emphasized the importance of the use of telecommunication infrastructures in the economic, social and cultural development of all States.

32. The Working Group was informed that the third preambular paragraph reflected the legal status of the geostationary satellite orbit as an integral part of outer space.

33. The view was expressed that the words "in accordance with" should be replaced with the words "which is governed by".

34. The view was expressed that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 1967 did not specifically mention that the geostationary satellite orbit was an integral part of outer space.

35. The Working Group was informed that the fourth preambular paragraph reflected the concepts embodied in article 44 of the ITU Constitution and Convention of 1992.

36. The view was expressed that the word "equitably" should be inserted between the words "rationally," and "efficiently". In this regard, the observer for ITU noted that the text of the paragraph followed closely the formulation contained in article 44 of the ITU Constitution and Convention, and that the concept of "equitable access" was reflected in that paragraph.

37. The Working Group was informed that the fifth preambular paragraph recalled the fact that the a priori allocation plans adopted by the ITU administrative radio conferences guaranteed equitable access to the geostationary satellite orbit and the radio frequencies for direct broadcasting satellite and fixed satellite services.

38. The view was expressed that the paragraph should be redrafted to reflect the fact that ITU was still in the process of improving the procedures for equitable access to the geostationary satellite orbit, since the current wording gave the impression that ITU had already done so. In this regard, the observer for ITU noted that the a priori plans for the direct broadcasting satellite service would be reviewed at the World Radiocommunication Conference to address the needs of those States that did not exist in 1977, when the plans were first established, without changing the underlying principle of the service.

39. The Working Group was informed that the sixth preambular paragraph emphasized that ITU was the focal point for dealing with all practical problems relating to the use of the geostationary satellite orbit.

40. The view was expressed that reference to practical problems in the implementation of equitable access to the geostationary satellite orbit presupposed that there were no prior legal problems in the implementation of equitable access, particularly for the developing countries. In the view of that delegation, before a

discussion on practical problems could be undertaken, a resolution of those legal problems should take place. The view was also expressed that the sentence as structured could imply that the existing processes had managed to ensure equitable access, and were therefore acceptable.

41. The Working Group was informed that the seventh preambular paragraph was intended to recognize recent changes in the field of telecommunications.

42. The Working Group was informed that the eighth preambular paragraph provided the historical basis and focus of the draft resolution, namely resolution 18 of the Plenipotentiary Conference of ITU held at Kyoto, Japan, in 1994.

43. With regard to the ninth preambular paragraph, the observer for ITU noted that in order to make the paragraph clearer, it might be appropriate to add the words "in response to resolution 18" at the end of the paragraph.

**Operative paragraph**

44. The Working Group was informed that the operative paragraph, which included three subparagraphs, suggested ways in which member States of ITU could ensure, through ITU, equitable access to the geostationary satellite orbit.

45. Some delegations expressed the view that there were two important elements needed to ensure equitable access and efficient use of the geostationary satellite orbit, namely a priori planning and coordination procedures. In this regard, those delegations noted that the three subparagraphs of the operative paragraph dealt with the objective of equitable access by coordination procedures only, without mentioning the equally important a priori planning or the improved procedures for a priori planning that were likely to emerge from the World Radiocommunication Conference. In this regard, the observer for ITU recommended that those considerations could be taken into account by incorporating, in the first subparagraph, the words "and planning" between the words "coordination" and "procedures". The observer for ITU also stated that the second subparagraph could be made clearer by the addition of the words "not representing actual use" between the words "notifications" and "to hinder".

46. In reply to a question whether the working paper was consistent with the established procedures of ITU, the observer for ITU noted that there were elements contained in the working paper that were consistent with the activities of ITU. In particular, the observer for ITU noted that the idea contained in the first subparagraph of the operational paragraph was an effort that had been undertaken by ITU for over 30 years. With regard to the second subparagraph, the question dealt with therein had recently been under consideration by ITU, had formed the basis of resolution 18 of the ITU Plenipotentiary Conference referred to in paragraph 42 above, and would be included as one of the major items in the agenda of the 1997 World Radiocommunication Conference. With regard to the third subparagraph, no mandatory ITU regulation existed on protection of the space environment, but ITU had issued a non-binding recommendation in 1993 (recommendation ITU-R S.1003).

47. At the end of the fifth meeting of the Working Group, the Chairman suggested and delegations agreed that an informal drafting group of interested delegations should be established in order to incorporate comments made on the text of the working paper and to prepare a revised version of the paper. The revised text is contained in document A/AC.105/C.2/L.207/Rev.1.

**Comments on A/AC.105/C.2/L.207/Rev.1**

48. The Chairman of the Working Group, in noting that informal consultations had led to a revision of working paper A/AC.105/C.2/L.207, invited the sponsor of the working paper to point out the changes introduced in the paper.

49. The delegation of Germany introduced document A/AC.105/C.2/L.207/Rev.1, and indicated the changes that had been made to the original document on the basis of comments made by various delegations.

50. It was considered that the submission of the revised working paper by the delegation of Germany was a very positive step forward in the deliberations on the matter.

51. Some delegations expressed the view that the paper should also take account of the equitable use of the geostationary satellite orbit, in addition to equitable access to the orbit and its resources. The view was expressed that the word "utilization" should not be used in conjunction with "equitable access", as the concept of "utilization" did not depend on ITU, but on the users themselves. In response, the view was expressed that the resolution contained in the paper was addressed not only to ITU, but also to its Member States.

52. Some delegations expressed the view that although they welcomed the introduction of document L.207/Rev.1, they could not agree that the consideration of the geostationary orbit, in the Legal Subcommittee, could either be concluded or suspended, since there was no link between the continuous consideration of the agenda topic and the proposed draft resolution. In this regard, the view was expressed that it was premature to suspend discussions of the subject of the geostationary orbit, because the mandate of the Committee on this matter was broader than that suggested by the German working paper; that the working paper submitted by the delegation of Colombia (A/AC.105/C.2/L.200 and Corr.1) was still being discussed in the Subcommittee; and that even after the adoption of the proposed draft resolution, it was likely that some delegations would still want to discuss the matter of the geostationary orbit in the Subcommittee. It was therefore suggested that consideration of the working paper submitted by Germany should be separated from the question whether or not to conclude or suspend consideration of the geostationary orbit in the legal Subcommittee, in order to prevent an endless debate from arising in that connection.

53. The view was expressed that any decision on possible suspension of the consideration of agenda item 4 might be made when informal consultations on the inclusion of new agenda items were resumed in the Legal Subcommittee.

54. With regard to the second operative subparagraph, the view was expressed that the words "not to allow" should be replaced with the words "to prevent".

55. With regard to the sixth preambular paragraph, some delegations expressed the view that both ITU and the Committee had a role to play in discussions on issues related to the geostationary orbit. Therefore, in the view of those delegations, since the role of ITU was reflected in the body of that paragraph, an appropriate paragraph detailing the role of the Committee should also be included in the text of the draft resolution.

56. With regard to the same paragraph, the view was expressed that the word "that" should be inserted between the words "Recalling" and "the".

57. Some delegations expressed the view that a paragraph should be added to the end of the draft resolution that would read as follows: "Requests ITU to periodically inform the Committee on the Peaceful Uses of Outer Space of the progress made on the above-mentioned subjects."

58. Some delegations expressed the view that although they would favour a conclusion to the long-standing discussions on the geostationary orbit by the Subcommittee through the adoption of the draft resolution proposed by the delegation of Germany, the compromise proposal to suspend consideration of the agenda item by the Legal Subcommittee until the year 2000 was acceptable.

59. Some delegations expressed the view that although ITU would need time to review and consider the resolution if adopted, it was not appropriate to terminate the consideration of the matter in the Legal Subcommittee.

60. With regard to the third operative subparagraph, the view was expressed that because the word "intensifying" could be understood to mean that something had already been done with regard to the issue of environmental protection and the problem of space debris, it should be replaced with a more appropriate word that correctly reflected that the problem still needed to be addressed. In this regard, the view was expressed that that subparagraph was addressed to Member States to intensify their current efforts.

61. The view was expressed that if the draft resolution, once adopted, did not result in a conclusion of consideration of the geostationary orbit by the Legal Subcommittee, then it was not necessary to continue discussion of the working paper or its ultimate adoption.

62. In this regard, the view was expressed that if the main purpose of the adoption of the proposed draft resolution was to conclude consideration of the geostationary orbit by the Legal Subcommittee, it was reasonable to doubt the necessity of the continued discussion of the working paper submitted by Germany.

**Comments on the working paper submitted by Colombia entitled "Some considerations concerning the utilization of the geostationary satellite orbit"(A/AC.105/C.2/L.200 and Corr.1)**

63. The view was expressed that the working paper submitted by the delegation of Colombia at the previous session of the Subcommittee was more balanced, and would enhance progress towards an acceptable resolution of the issue. With regard to recommendation (a), that delegation believed that the proposed rule should apply only to those systems which were intended for national communications, and also were real and not "paper satellites". That delegation further noted that in addition to the frequency bands indicated in the table contained in the document, other bands had been allocated on the basis of the existing coordination procedures. With regard to recommendation (c), that delegation believed that it was premature to speak about obligations of States to remove their satellites from the geostationary satellite orbit, since no specific recommendations on the subject had been agreed upon by technical experts.

64. The view was expressed that the coordination procedure provided by ITU was more flexible than other planning procedures, but that for smaller States, some aspects of the coordination procedures were expensive, and could in certain cases prevent access to the orbital spectrum.

65. The view was expressed that in certain cases, a launching State placed a satellite in orbit on behalf of a client, as, for example, in the commercial launches by Ariane, and that this aspect should be taken into account when asking launching States to remove space debris and spent satellites from the geostationary satellite orbit.

## Conclusions

66. At the conclusion of the discussion, the Working Group agreed that the consideration of the Questionnaire on aerospace objects under agenda item 4 should be continued at its next session, in 1998. Some delegations encouraged member States of the Committee that had not submitted replies to the questionnaire on aerospace objects to do so. The Working Group took note of the statement by the delegation of the Russian Federation to the effect that if a sufficient number of responses were received, that delegation would contemplate the possibility of preparing a working paper on the subject of aerospace objects.

67. With regard to the question of the geostationary orbit, the Working Group agreed to continue its consideration of the matter. The Working Group took note of the second revised text of the working paper submitted by Germany, set out in annex II, section A, of the present report of the Subcommittee. The revised text might constitute the basis for the adoption of the draft resolution and for agreement at the fortieth session of the Committee on the future consideration of the question of the geostationary orbit in the Legal Subcommittee.

*Annex II*

## DOCUMENTS ANNEXED TO THE REPORT

## A. MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION

### Working paper submitted by Germany (A/AC.105/C.2/L.207/Rev. 2 of 7 April 1997)*

In view of the forthcoming ITU World Radiocommunication Conference (27 October to 21 November 1997) the German delegation presents this draft resolution for adoption by the General Assembly, preferably in the first part of October 1997, taking into account the meeting schedule of the World Radiocommunication Conference 1997. Thereby, the topic of the geostationary satellite orbit in the Legal Subcommittee could have been dealt with in a substantive and constructive way. The consideration of the issue of the geostationary satellite orbit in the Legal Subcommittee's Working Group on agenda item 4 could then be suspended until the year 2000, i.e. after UNISPACE III.

### Draft resolution

***Request to the International Telecommunication Union and its member States: Ensuring equitable access to the geostationary satellite orbit/radio frequency spectrum resources***

*The General Assembly,*

*Having considered* the report of the Committee on the Peaceful Uses of Outer Space on the work of its fortieth session and the request by the Committee to the International Telecommunication Union and its member States on ensuring equitable access to the geostationary satellite orbit/radio frequency spectrum, as approved by the Committee,

*Aware* that equitable access to and efficient use of the geostationary satellite orbit/radio frequency spectrum resources for all States or groups of States, taking into account the special needs of the developing countries and the geographical situation of particular countries, is of fundamental importance to the development of telecommunications infrastructure for economic, social and cultural development of all States,

*Taking into account* the fact that the geostationary satellite orbit is an integral part of outer space which is governed by the Treaty of 27 January 1967 on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Bearing in mind that article 44 of the Constitution of the International Telecommunication Union, Geneva, 1992, states the following:

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* This document has been produced without formal editing.

"1. Members shall endeavour to limit the number of frequencies and the spectrum used to the minimum essential to provide in a satisfactory manner the necessary services. To that end they shall endeavour to apply the latest technical advances as soon as possible.

2. In using frequency bands for radio services, Members shall bear in mind that radio frequencies and the Geostationary Satellite Orbit are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to both, taking into account the special needs of the developing countries and the geographical situation of particular countries."

*Recalling* that ITU, through its Administrative Radio Conferences held in 1977 (WARC-BS 77), 1983 (RARC-BS 83, Region 2) and 1985/88 (WARC-ORB 85/88) establishing the respective a priori allotment/assignment plans, is providing the means for the implementation of equitable access to the geostationary satellite orbit/radio frequency spectrum resources for the radiocommunication services concerned (that is, broadcasting satellite service and fixed satellite service),

*Recognizing* that any problems related to the implementation of equitable access to the geostationary satellite orbit/radio frequency spectrum resources through coordination and planning procedures, might possibly lead to costly operational restrictions, especially for developing countries, that could hamper and even prevent equitable access for all States to these resources,

*Recognizing* further that these problems should be resolved through the International Telecommunication Union, which is the United Nations specialized agency for regulating telecommunications world-wide,

*Emphasizing* that, in accordance with resolution 1472 (XIV) of the General Assembly entitled "International co-operation in the peaceful uses of outer space", the Committee on the Peaceful Uses of Outer Space is the appropriate international forum for dealing with the nature of legal problems which may arise from the exploration of outer space,

*Aware* also of the changing technical, regulatory and commercial environment within which the development of radiocommunication services is taking place,

*Noting* resolution 18 of the Plenipotentiary Conference of the International Telecommunication Union, held at Kyoto, Japan, in 1994, instructing the Director of the Radiocommunication Bureau of the International Telecommunication Union to conduct an in-depth review of the International Telecommunication Union coordination and planning framework for satellite networks,

*Also noting* the recent initiatives of the International Telecommunication Union to review the relevant regulatory provisions in response to the above-mentioned resolution 18 through its World Radiocommunication Conference, held at Geneva in 1997,

1. *Requests* the member States of the International Telecommunication Union to ensure, through this organization, equitable access to and efficient use of the geostationary satellite orbit/radio frequency spectrum resources for all States or groups of States, taking into account the special needs of developing countries by:

(a) Continuing their efforts to maintain compliance with coordination and planning procedures concerning access to the geostationary satellite orbit/radio frequency spectrum resources;

(b) Intensifying their efforts to prevent the proliferation of notifications that reserve capacity without actual use, which could hinder equitable access to and efficient use of the geostationary satellite orbit/radio frequency spectrum resources for all States,

(c) Furthering their efforts to address the issue of environmental protection in the geostationary satellite orbit, as initiated by recommendation ITU-R S.1003 of 1993, and to coordinate these efforts with the corresponding work on space debris by the Committee on the Peaceful Uses of Outer Space;

2. *Further requests* the International Telecommunication Union to inform regularly the Committee on the progress made on the above-mentioned subjects.

## B. OPEN-ENDED INFORMAL CONSULTATIONS ON NEW AGENDA ITEMS: REVIEW OF THE STATUS OF THE FIVE INTERNATIONAL LEGAL INSTRUMENTS GOVERNING OUTER SPACE

**Working paper submitted by Mexico (A/AC.105/C.2/L.206/Rev.1 of 4 April 1997)**

When the number of ratifications of the five international legal instruments relating to outer space is reviewed, one fact is particularly striking, namely that a large number of States have not ratified them, despite the calls by the General Assembly to do so, in particular in its resolution 51/123, fourth preambular paragraph 4 and operative paragraph 2.

The situation is reflected in the table below, which presents a summary of the latest information regarding the ratification of the five instruments.

**Ratifications and signatures of the five legal instruments governing outer space (Number of States)**

| Instrument | Ratifications | Signatures |
|---|---|---|
| 1967 Outer Space Treaty | 93 | 27 |
| 1968 Rescue Agreement | 83 | 25 |
| 1972 Liability Convention | 76 | 25 |
| 1975 Registration Convention | 39 | 4 |
| 1979 Moon Agreement | 9 | 5 |

Source: A/AC.105/C.2/1997/CRP.5.

The information contained in the table demonstrates a limited adherence to the legal instruments relating to outer space.

**Purpose of the proposal by the delegation of Mexico**

The proposal by the delegation of Mexico is aimed at achieving the widest and fullest adherence to the treaties relating to outer space. Through this initiative, it is sought to strengthen the work of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. The initiative will also make it possible to assess the status of the instruments concerned in promoting the peaceful uses of outer space.

States that wish to do so may provide relevant information pertaining to other existing space law instruments. This initiative would not lead to reopening of substantive debate on the treaties, or any proposals for their revision or amendment.

**Desired results**

As a part of this review, States will be requested to submit reports making it possible to identify the reasons for not having achieved ratification of the instruments. On the basis of this information, the Legal Subcommittee will be able to propose mechanisms towards achieving the fullest adherence to the five outer space treaties.

**Work plan**

With the updated information provided in the document "Status of international agreements relating to activities in outer space" (A/AC.105/C.2/1997/CRP.5), the Secretariat will be able to compile a study indicating the views of States on the following points:

(a) Information provided by each State on the reasons why it has still not ratified or adhered to a particular instrument or instruments;

(b) The views of all States regarding ways of achieving the fullest adherence to the five outer space instruments.

**Expected duration: three years**

Activities during the first year: updating of the document "Status of international agreements relating to activities in outer space" and compilation of the views of States regarding the obstacles that have impeded its ratification.

Activities during the second year: establishment of a working group to examine the comments submitted by States and to prepare recommendations on the measures to be adopted in order to achieve the fullest adherence to the instruments. The working group will draft a report containing those recommendations for submission to the Legal Subcommittee.

Activities during the third year: on the basis of the recommendations of the working group, the Subcommittee will consider and implement, as appropriate, the measures considered adequate to achieve the objectives sought by the present initiative.